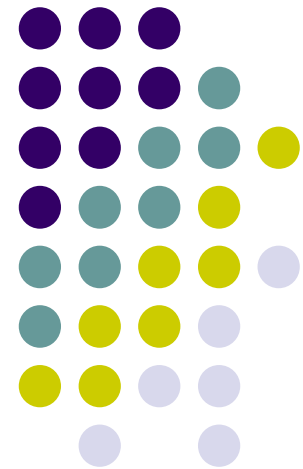


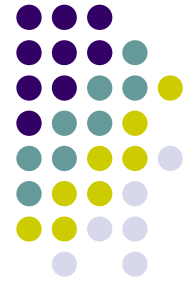
Revisions to Japanese Design Law in 2006

April 18, 2007
JTA-AIPLA JOINT MEETING

Junko Saito
Ishida & Associates



Outline of Revisions



1. Extension of design right duration
2. Expansion of display image protection
3. Clarification of scope of similar design
4. Enhancement of partial design protection
5. Enhancement of related design protection
6. Enhancement of secret design protection
7. Extension of time to submit certificate to avoid loss of novelty

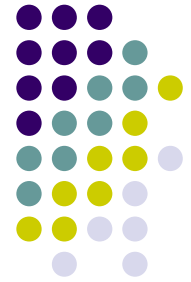
(1) Extension of Design Right Duration Art.21



- Background

Before the revision, the duration was
15 years from the registration date
but was not long enough, because:

- long selling products increase in popularity
- revival products often reappear



- **Revision**

The duration of the design right is extended to
20 years from the registration date

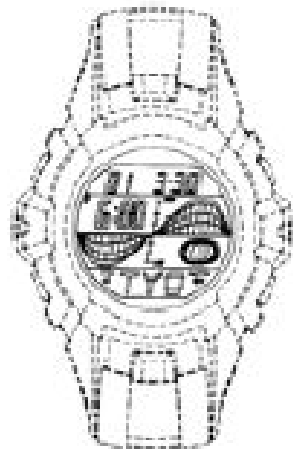
- **Implementation date**

The revision is applied to
applications filed on or after April 1, 2007

(2) Expansion of Display Design Protection

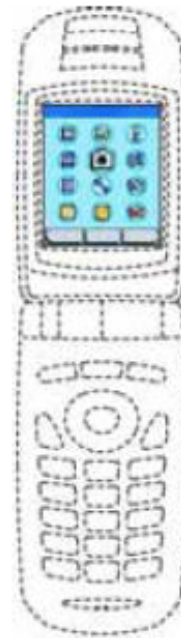


- Background
Only images shown on the initial screen of the article were protected



Watch

意匠登録第1149610号



Cell phone

意匠登録第1207282号

From METI website



- Revision

“An image for the operation of an article that is shown on the article or another article used as an integral part of the article”

is added in the definition of the **“Design”** in the Design Law **Art. 2(2)**

- **Implementation date**

The revision is applied to

applications filed on or after April 1, 2007

Examples of newly added protectable Designs



Image shown on a display of Cell phone for selecting a calling party

「磁気ディスクレコーダー」

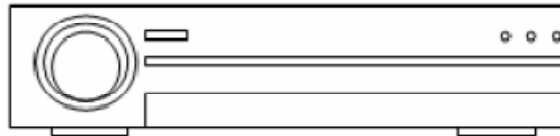
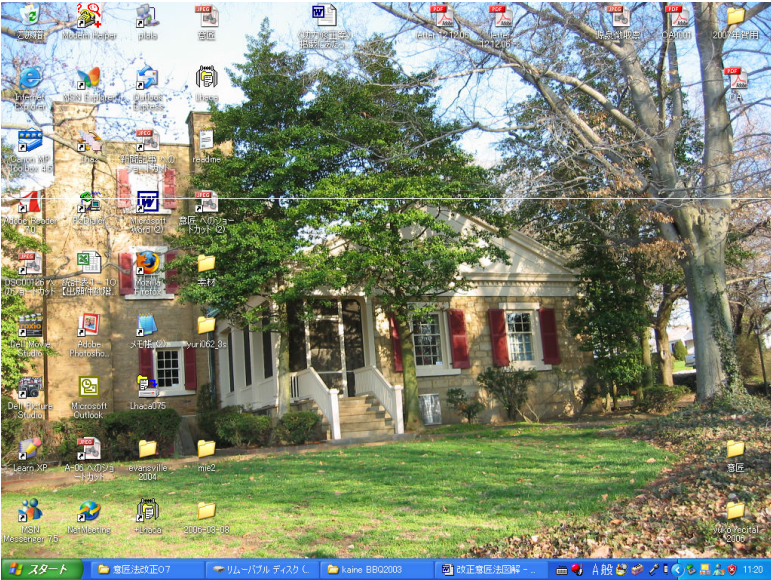


Image shown on a TV display for operating a video recording/playback device

Not protectable Image Designs



Website design



Wall paper design

(3) Clarification of Scope of Similar Design Art. 24



- Background

Evaluation of similarity of two designs is an important factor and consistency was expected

- Revision

Similarity of designs shall be determined on the basis of the aesthetic impression of the consumer's sense of sight

(4) Enhancement of Partial Design Protection Art.3^{bis}



- Background

A partial design similar to a part of the whole design in an earlier filed application was not registered regardless of the applicant,

however,

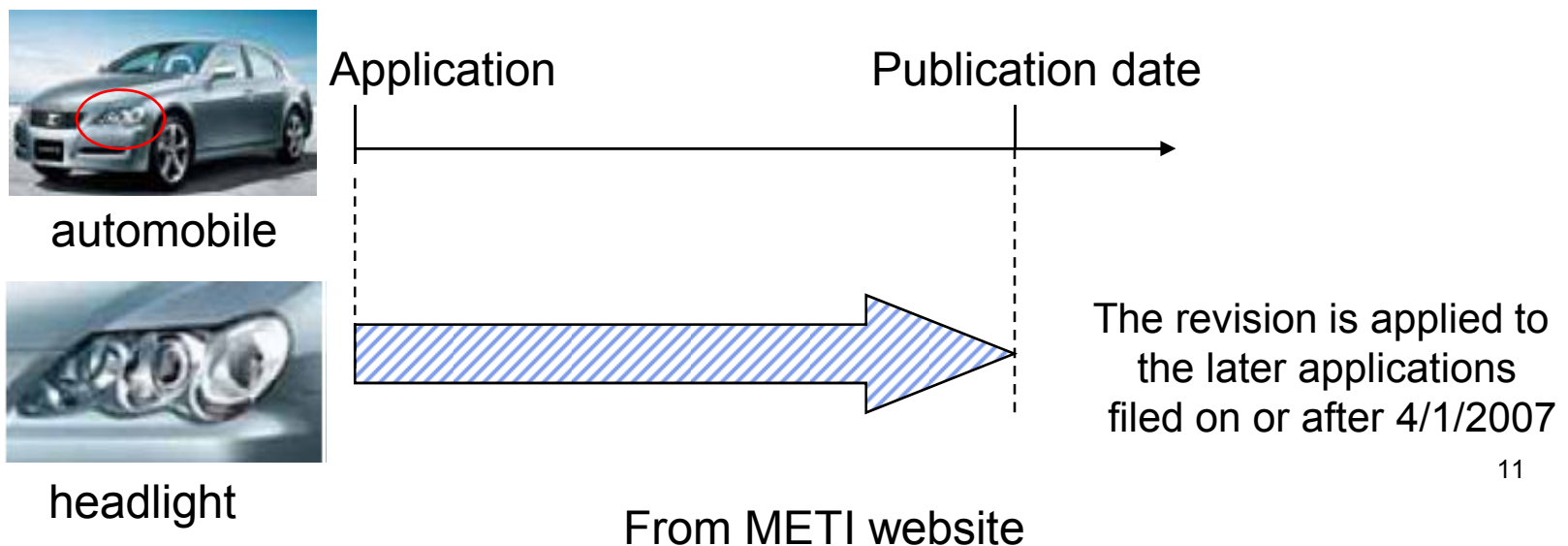
a detailed design of a part of the product is often created later



- Revision

A later filed partial design application by the same applicant can be registered

if the application is filed before the publication date of the whole design application



(5) Enhancement of Related Design Protection Art.10



- Background

Related design could be registered only if it was filed on the same day of the principle application by the same applicant

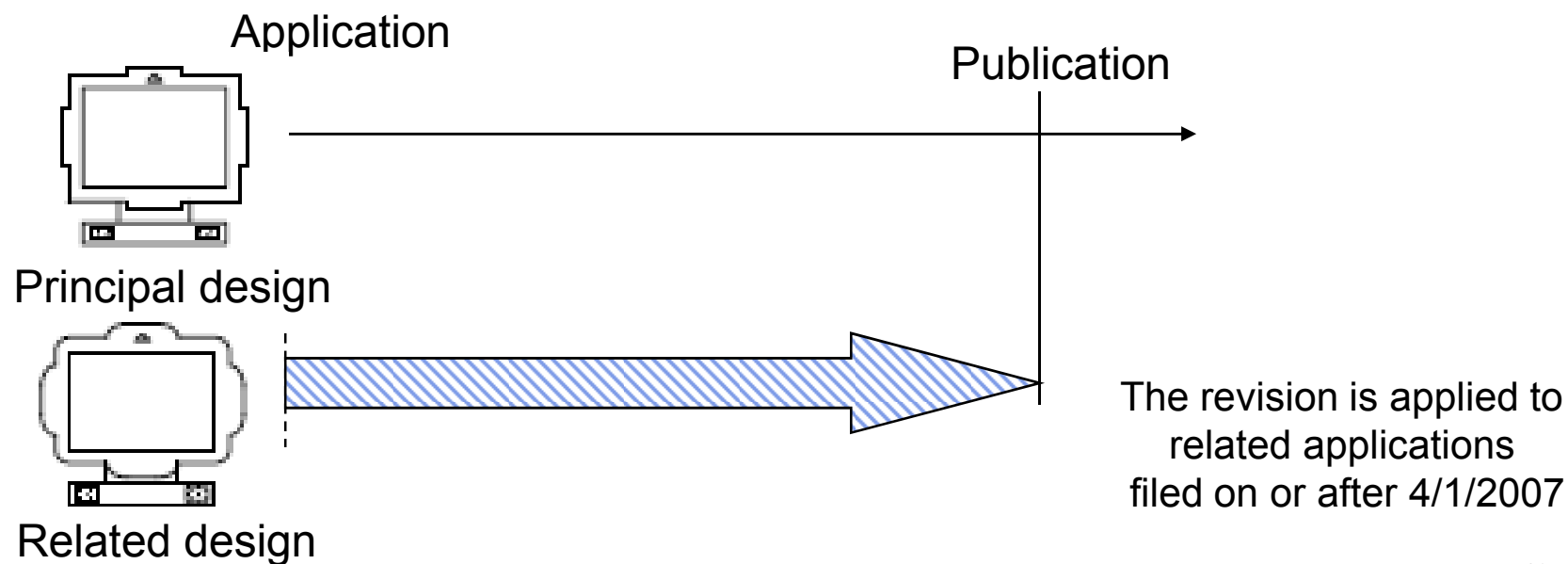
however,

different variations of the design are often added to a principal design later



- Revision

A related design can be registered if it is filed before the publication date of the principal design



(6) Enhancement of Protection of Secret Designs Art.14(2)



- Background

A request for a design registration to be kept secret was allowed only when it was made at the filing of the design application

however,

the examination term has become shorter and the registration might be published before the products are launched



- Revision

A request can be also made at the time of payment of an issue fee

- Implementation date

The revision is applied to

applications filed on or after April 1, 2007

(7) Extension of Time to submit Certificate to avoid Loss of Novelty

Art.4



- Background

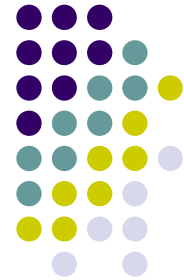
To enjoy the exception to lack of novelty,

(1) a statement must be filed at the filing and

(2) a certificate had to be filed **within 14 days** of the filing date of the application

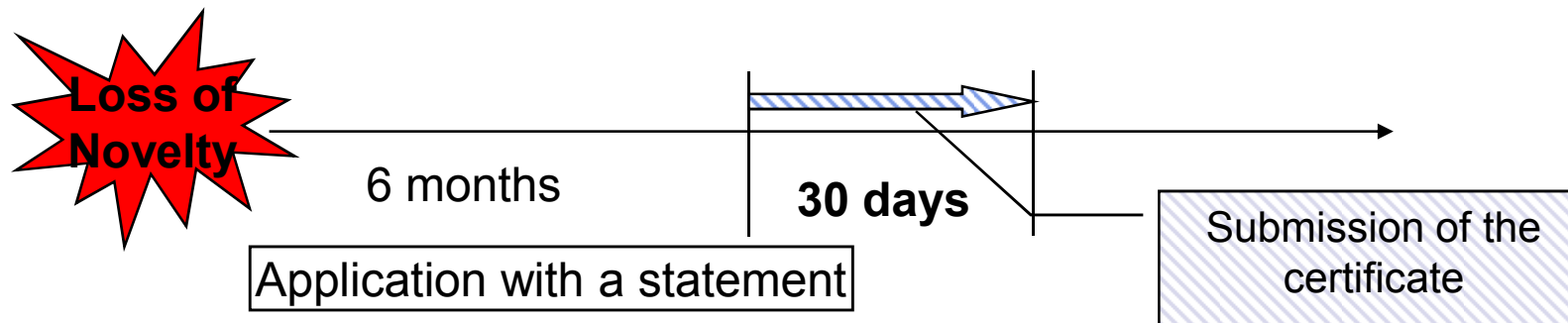
however,

it is not enough time to prepare the certificate



- Revision

The term for submitting the certificate is extended to 30 days

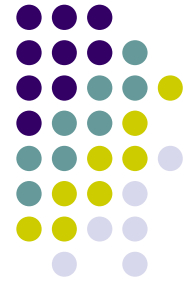


- Implementation date

The revision is applied to

applications filed on or after September 1, 2006

**THANK YOU
FOR YOUR ATTENTION!**



Japan Trademark Association
International Activities Committee

Junko Saito
ISHIDA & ASSOCIATES

